

Exhibit C

STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA
CLERK OF STATE COURT

Donna Lee Daugherty, individually and Donna)	
Lee Daugherty as personal representative of the)	
estate of Norman Eugene Daugherty, Jr., deceased,)	CIVIL ACTION FILE
)	No: <u>20-C-02608-S4</u>
Plaintiffs)	
)	
vs.)	
)	
YRC INC. and YRC INC. d/b/a YRC Freight;)	
Larry D. Ingram; and Luis Burgos,)	
)	
Defendants.)	

COMPLAINT FOR DAMAGES
JURY TRIAL DEMANDED

Plaintiffs Donna Lee Daugherty individually, and Donna Lee Daugherty as personal representative of the estate of Norman Eugene Daugherty, Jr., Deceased, make the following complaint against Defendants YRC INC., Larry D. Ingram, and Luis Burgos, and show the court as follows:

THE PARTIES

1.

Donna Lee Daugherty (Mrs. Daugherty) is the surviving spouse of Norman Eugene Daugherty, Jr. (Mr. Daugherty). Mrs. Daugherty is a resident of Gwinnett County, Georgia. At all times material hereto, she was married to Mr. Daugherty.

2.

YRC INC. (YRC) is a corporation organized and existing under the laws of Delaware. Its Principal Office is 10990 Roe Ave. MS A515, Overland Park, KS, 66211. YRC is a motor common carrier operating as YRC Freight under DOT number 071821.

3.

YRC has a registered office in Gwinnett County, Georgia, located at 289 S Culver St, Lawrenceville, GA, 30046-4805. Its Registered Agent at said address is CT Corporation System.

4.

Service may be made upon YRC by service upon CT Corporation System at the above-named registered office.

5.

YRC is subject to the jurisdiction and venue of this court.

6.

Larry D. Ingram (Ingram) resides at 3741 University Church Drive, Charlotte, NC 28216. Ingram is subject to the venue of this court pursuant to the Georgia Non-Resident Motorist's Act, OCGA §40-12-3 for the reason that he has negligently caused a motor vehicle collision in Gwinnett County, Georgia while driving a

tractor-trailer. Ingram may be served by service upon the Secretary of State of Georgia.

7.

Luis Burgos (Burgos) is a resident of Georgia. He resides at 14 Bless Lane, Stockbridge, GA 30281, at which address he may be served. Burgos is subject to the jurisdiction and venue of this court as a joint-tortfeasor.

FACTS

8.

On the afternoon of March 25, 2020, Burgos was driving a Honda Civic Northbound on U. S. Highway Interstate 85 in Gwinnett County, Georgia.

9.

Richard Kaziba (Kaziba) was following Burgos in the same lane of travel. He was driving a 2014 Toyota Corolla.

10.

Mr. Daugherty was following Kaziba in the same lane of travel. Mr. Daugherty was also driving a 2014 Toyota Corolla.

11.

Ingram was following Mr. Daugherty in a 2019 Volvo Tractor towing two trailers. At all times material hereto, Ingram was operating said tractor-trailer rig in the scope of his employment with YRC.

12.

Ingram was, among other things, driving too fast for conditions. He was also following too closely.

13.

As the four vehicles proceeded Northbound, Burgos suddenly and without warning negligently stopped his car.

14.

Both Kaziba and Mr. Daugherty safely stopped behind Burgos.

15.

Ingram failed to timely stop the tractor-trailer rig. Instead, he crashed the Volvo truck into the rear of Mr. Daugherty's car at a high rate of speed.

16.

The force of the collision from the tractor-trailer caused Mr. Daugherty's car to violently crash into the rear of Kaziba's car, which, in turn, crashed into the Burgos' Honda.

17.

Mr. Daugherty's Toyota was crushed between the Tractor-trailer and the Kaziba Toyota.

18.

Mr. Daugherty suffered massive blunt trauma to his chest and his head as the tractor-trailer rig crushed his car.

19.

On April 6, 2020 Mr. Daugherty died from his injuries.

20.

Because of the Corona Virus pandemic, Mrs. Daugherty was unable to visit Mr. Daugherty at the hospital; thus, she was totally deprived of his companionship as he lay dying in an ICU unit.

21.

Mrs. Daugherty has been unanimously selected by Mr. Daugherty's heirs to be the Administratrix of Mr. Daugherty's estate. Her appointment as Administratrix is pending.

LIABILITY

22.

YRC is liable to Plaintiffs for Ingram's conduct under the doctrine of respondeat superior.

23.

Ingram is liable to Plaintiffs for his negligent operation of the YRC tractor-trailer rig, by, among other things, following too closely, failing to keep a proper lookout, and for driving too fast for conditions.

24.

Ingram operated the tandem tractor-trailer rig with conscious disregard for the safety and well-being of the motoring public including Mr. Daugherty.

25.

Burgos is liable to Plaintiffs for negligently stopping and obstructing traffic, thus contributing in part to the collision in question.

DAMAGES

26.

As result of the negligence of the defendants, Mrs. Daugherty individually is entitled to recover the full value of Mr. Daugherty's life in such an amount as a jury may find appropriate.

26.

As result of the negligence of the defendants, Mrs. Daugherty as personal representative of the estate of Norman Eugene Daugherty, Jr. is entitled to recover damages for Mr. Daugherty's pain and suffering, his medical expenses, and his burial expense.

28.

As result of Ingram's gross negligence and his conscious disregard for the safety of others, Mrs. Daugherty as personal representative of the estate of Norman Eugene Daugherty, Jr. is entitled to recover punitive damages against YRC and Ingram in such an amount as to deter them from like conduct in the future.

WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

1. Donna Lee Daugherty individually demands judgment against Defendants for the full value of the life of Norman Eugene Daugherty, Jr. in such an amount as a fair and impartial jury may deem appropriate;

2. Donna Lee Daugherty individually demands judgment against Defendants for her loss of consortium between the time of the collision in question and the time of Mr. Daugherty's death in such an amount as a fair and impartial jury may deem appropriate;

3. Donna Lee Daugherty as personal representative of the estate of Norman Eugene Daugherty, deceased, demands judgment against Defendants for Mr. Daugherty's pain and suffering, and for his medical and funeral expenses;

4. Donna Lee Daugherty as personal representative of the estate of Norman Eugene Daugherty Jr., deceased, demands judgment against YRC and Ingram for such punitive damages as a jury may deem appropriate to deter said defendants from like conduct in the futures;

5. Plaintiffs demand judgment for the costs of this action;
6. Plaintiffs pray for such other relief as to the court may seem just and proper;
7. Plaintiffs demand a trial by jury.

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